



One Watershed, One Plan

Operating Procedures for Pilot Watersheds

June 25, 2014



Purpose: As per Minnesota Statutes §103B.101 Subd. 14, the Board of Water and Soil Resources “*may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan,*” also known as *One Watershed, One Plan*. This document outlines operating procedures for implementing this statute through selected pilot watersheds.

This policy was adopted by the BWSR Board through resolution on June 25, 2014.

Introduction

The State of Minnesota has a long history of water management by local government. *One Watershed, One Plan* is rooted in this history and in work initiated in 2011 by the Local Government Water Roundtable (Association of Minnesota Counties, Minnesota Association of Watershed Districts, and Minnesota Association of Soil and Water Conservation Districts). Roundtable members determined that it is in the public interest to manage groundwater and surface water resources from the perspective of watersheds to achieve protection, preservation, enhancement, and restoration of the state's valuable water resources. Supporting this determination, the Roundtable recommended that the local governments charged with water management should organize and develop focused implementation plans on a watershed scale.

The recommendation was followed by the *One Watershed, One Plan* legislation noted in the purpose statement on this page that permits the Minnesota Board of Water and Soil Resources (BWSR) to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another; or to be replaced with one comprehensive watershed management plan. The legislation also required BWSR to establish a suggested watershed boundary framework for these plans.

One Watershed, One Plan is the next logical step in the evolution of water planning in Minnesota. The *One Watershed, One Plan* vision is to align local planning and implementation with state strategies over a ten year transition period into plans built largely around the state's major watersheds. The operating procedures in this document outline processes to achieve this vision. These procedures will be tested by selected local government units developing the first plans through *One Watershed, One Plan* with final policies and procedures anticipated to be adopted by BWSR in December 2015.

Additional information about *One Watershed, One Plan* can be found on the BWSR website:

<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

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NOTE: Plan Content requirements provided in separate document.

I. Overview

Participation in *One Watershed, One Plan* is voluntary. Initiation and scheduling development of plans within the framework should be coordinated with existing plan update and amendment schedules and development or completion of Watershed Restoration and Protection Strategies (WRAPS) to the extent possible. Plan development is not recommended to start in the 2-3 years leading up to onset of intensive monitoring in order to best leverage this information. The timing and order of the steps below are for the most part suggested and some may be iterative; approved pilots in general completed steps 1 – 3a.iii through the nomination process. BWSR staff are available to assist at all steps and may be able to bring additional facilitation resources to the process if requested.

- Step 1.** Review the Suggested Boundary Map (see [II. Boundary Framework](#)) and gather potential local government participants based on the watershed selected.
- Step 2.** Initiate discussion(s) with potential participants and BWSR. This step may include multiple and variable sub-steps such as a number of formal and informal meetings and discussions between participants. The sub-steps will vary by the local governments involved, their history of partnership and/or collaboration, and other potential factors.
- Informally notify BWSR staff of intent to explore developing a plan through the *One Watershed, One Plan* process.
 - Convene potential local government participants to consider the following items. Assistance with preparation and neutral facilitation of meeting(s) may be available.
 - Select a lead, shared lead, and/or a procedure for convening participants through this step.
 - Confirm intended planning boundary with participants and BWSR staff. Invite additional local government participants if necessary (see [II. Boundary Framework](#) and [IV. Participation Requirements](#)).
 - Confirm the plan type the participants are interested in developing (see [III. Plan Types](#)).
 - Discuss the requirement for formal agreement between partners. (see [IV. Participation Requirements](#) and [V. Formal Agreement](#)).
 - Consider requesting resolutions from the boards of the participating local governments as a means of confirming support.
 - Consider applying for a BWSR Plan Development grant as available.
- Step 3.** Finalize discussion(s) with potential participants and BWSR by:
- Formally notifying BWSR of intent to initiate planning. Formal notification can be made electronically and must include confirmation of the:
 - Local government participants or partners (see [IV. Participation Requirements](#));
 - Plan type intended to be developed (see [III. Plan Types](#));
 - Planning boundary (see [II. Boundary Framework](#)); and
 - Include requested plan extensions and waivers for participants' existing plans as applicable. BWSR's policy for Plan Extensions can be found at www.bwsr.state.mn.us/planning/index.html.
 - Finalizing formal agreement(s) between local government participants (see [V. Formal Agreement](#)). Formal agreements can be finalized before or after notification to BWSR, but must be finished prior to formal initiation of planning. If receiving a Plan Development grant, the formal agreement will need to be in place before the grant will be executed.
- Step 4.** Formally initiate planning (see [VI. Plan Development Procedures](#)). A thorough stakeholder process required and should not be any less than procedures of water plans being substituted for or replaced.
- Identify stakeholders, notify state agencies, and establish committees

- b. Gather preliminary issues and priorities through review of existing plans and information and response from stakeholders and agencies.
- c. Hold initial planning meeting (often called a 'kickoff meeting') to review and discuss the information gathered and input received.

Step 5. Draft Plan (see [VI. Plan Development Procedures](#)). Specific requirements for plan content can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. Steps may be iterative and will include input from stakeholders.

- a. Review and aggregate information from existing plans, land and water resource inventories, and WRAPS. Use the process to identify commonalities and gaps.
- b. Consider the aggregated information in setting priorities and targets.
- c. Develop implementation plan and schedule. Assess if implementation actions are capable of producing measurable results.
- d. Finalize draft plan. Consider informal review by stakeholders if time allows and/or unresolved issues.

Step 6. Submit draft plan for formal review and hold public hearing.

- a. After the plan has been drafted, submit the plan to plan review authorities (see [VI. Plan Development Procedures](#)).
- b. Schedule and hold a public hearing on the draft plan after the 60-day review period of the draft plan. A summary of comments received in the review period and the responses to those comments should be made available to all stakeholders and commenters prior to the hearing.

Step 7. Approval by BWSR

- a. Submit the final plan to the plan review agencies (see [VI. Plan Development Procedures](#)).
- b. The board will review the plan for conformance with the plan content requirements found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014, and take action within 90 days.
- c. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.

Step 8. Adopt the plan. Local adoption is required within 120 days of BWSR Board approval. Procedures for local adoption will vary by plan type and the formal agreement between the local governments. See also [VI. Plan Development Procedures](#) for more information.

Step 9. Implement, evaluate, and update the plan. Additional information on plan content and evaluation requirements can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014.

- a. Local development and use of an annual and/or biennial work plan and report between partners is recommended for accountability, e.g. holding an annual meeting in the watershed to discuss previous year's accomplishments and confirm direction for the next year. Additional annual/biennial reporting requirements can be found on the BWSR website.
- b. Five year evaluation of performance is required and update of implementation plan and schedule as needed.
- c. Revisions required every 10 years. Depth of revision dependent on evidence that implementation is occurring. BWSR can issue 'findings' when a plan is good enough that complete revision is not required. The Water Quality Implementation Plan Type must be revised following the PCA 10-year assessment and completion of WRAPS to maintain eligibility for funding through plan.

II. Boundary Framework

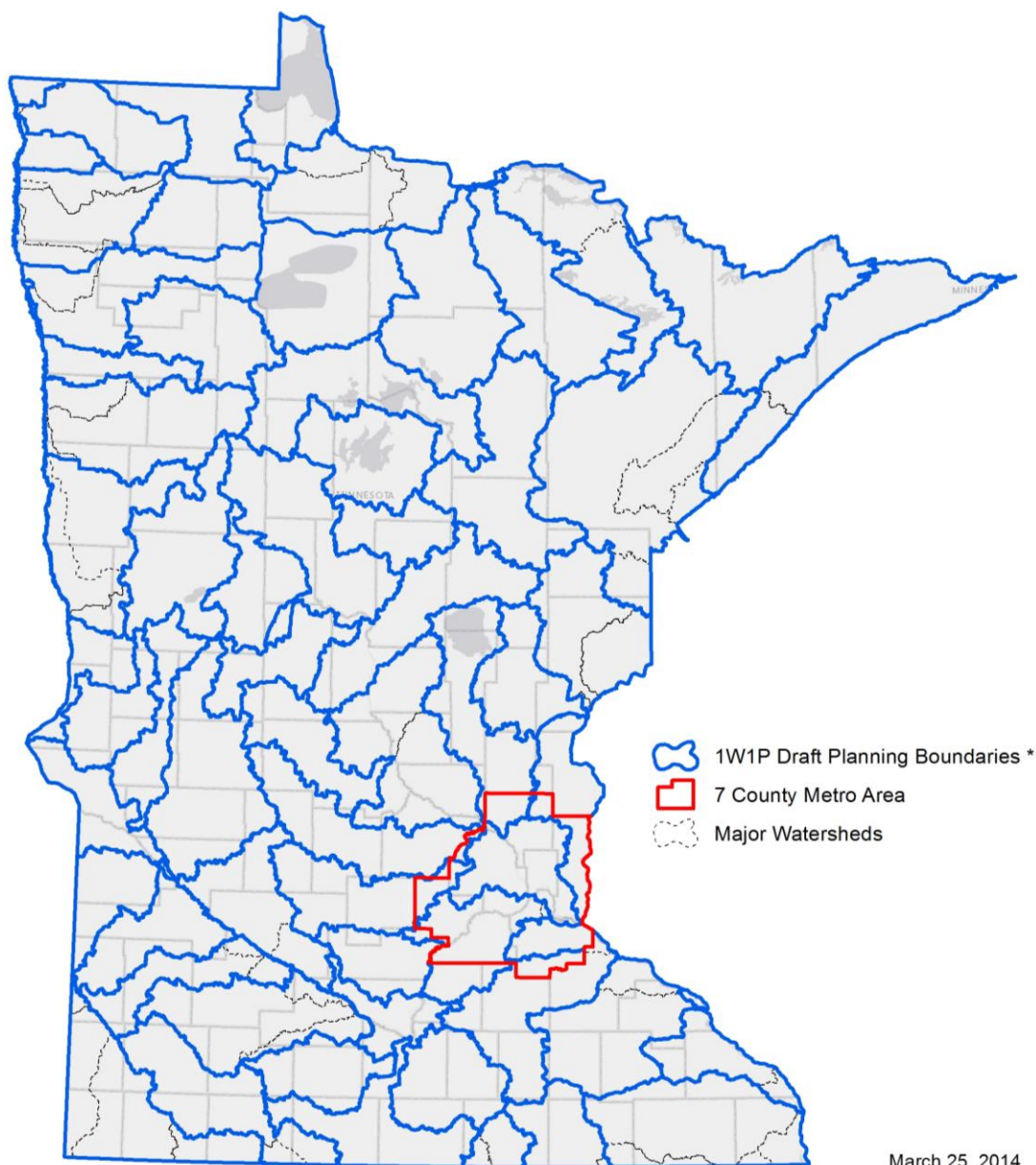
The One Watershed, One Plan Boundary Framework consists of three parts: the suggested boundary map; procedures for establishing boundaries, requesting variances on boundaries, and appealing boundaries; and the criteria used to establish and consider requested variances from the suggested boundary map.

1. Suggested Map

Local governments partnering to develop a *One Watershed, One Plan*, must begin with the planning boundaries identified in the Suggested Boundary Map adopted by the BWSR Board on April 23, 2014 (see figure 1). This map was developed by through a formal comment period held January 1 through February 28, 2014. Boundaries within this map are recommended but not mandated; procedures for establishing and deviating from the boundaries can be found within the Boundary Procedures of this section. Alternative formats of the map are available on the BWSR website:

<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

Figure 1: Suggested Boundary Map



2. Boundary Establishment and Adjustment Procedures

As per Minnesota Statutes §103B.101 Subd. 14, BWSR “shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans.” The procedures for determining boundaries will conform to the following:

- A. **Planning Boundary Establishment.** BWSR Board adopted the *One Watershed, One Plan* Suggested Boundary Map on April 23, 2014. This map establishes the suggested planning boundaries for plans developed through *One Watershed, One Plan*.
 - a. Before commencing planning under Minnesota Statutes §103B.101 Subd. 14, local governments participating in the plan (participants; see also [IV. Participation Requirements](#)) shall notify the BWSR Board Conservationist and Regional Supervisor of the intent to initiate planning. This notification shall include:
 - i. Local concurrence of all participants with the planning boundary established in the BWSR Board adopted map; or
 - ii. A new map delineating the intended planning boundary with local concurrence of all participants. If submitting a new map, participants must provide written documentation of the rationale and justification for deviation from the BWSR Board adopted map. BWSR staff may request additional information needed to make a plan boundary determination.
 - b. BWSR staff shall have 60 days to determine if a proposed plan boundary conforms with the requirements of Minnesota Statutes §103B.101 Subd. 14 and notify the participants of the determination.
 - c. If the participants disagree with the determination, they may submit a request for review to the executive director. The executive director may bring the issue before the board if resolution cannot be found.
 - d. The final planning boundary will be approved by the BWSR Board concurrent with plan approval and incorporated into the BWSR Board order and adopted map.
- B. **Planning Boundary Amendment or Adjustment.** After a planning boundary has been established, participants may find adjustments or amendments to the boundary are necessary. Procedures for changing a boundary will follow the establishment procedure above. The final adjusted boundary will be approved by the BWSR Board concurrent with a plan amendment or next plan approval. BWSR comments on the boundary may include findings that an amendment to the plan is necessary to address the newly included or excluded area(s).
- C. **Appeals.** Participants may appeal a board decision to deny approval of a plan or the establishment of a plan boundary. Appeals and disputes of decisions follow existing authorities and procedures of the BWSR Board.

3. Boundary Criteria

The following criteria, based on the criteria used for establishing the Suggested Boundary Map, are recommended for use in justifying adjustment to planning boundaries.

The adjustment will not leave small, orphaned watershed areas between planning boundaries.

Smaller than the suggested planning boundary:

- Smaller area does not conflict with the purposes/intent of 1W1P.
- Significant dissimilarities or complexities in resource issues and solutions within suggested planning boundary justify the smaller area.

- Suggested planning boundary crosses a major river, e.g. on both sides of the Mississippi River.
- Existing watershed district in the area.
- Suggested planning boundary crosses Metro Water Planning area
- Boundary for the smaller area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code or watersheds defined by drainage systems managed pursuant to Minnesota Statutes §103E.

Larger than a suggested planning boundary, e.g. one boundary plus additional minor or major watershed(s)

- Inclusion of a partial watershed on a state line.
- Confluence of major basins.
- Efficiencies due to similarity of issues and solutions.
- Existing watershed district that includes larger area.
- Major watersheds/8-digit hydrologic unit codes already lumped for PCA 10-year watershed approach/WRAPS.
- Boundary for the larger area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code.

When a suggested planning boundary crosses into the seven-county metro:

- The area within the seven-county metro may or may not be considered for inclusion in the boundary. If included, the area within the seven-county metro is not excluded from Metro Surface Water Management Act.

III. One Watershed, One Plan - Plan Types

To achieve the guiding principle that “*One Watershed, One Plan is not intended to be a one size fits all model,*” and in recognition of the need for flexibility and options through the ten year transition; this section outlines three concepts for three approvable plan types within the *One Watershed - One Plan* framework.

Concept Plan Types (see also *Table 1: Concept Plan Types*):

- **Water Quality Implementation Plan:** This plan further develops the strategies identified in a Watershed Restoration and Protection Strategies (WRAPS) document or equivalent studies into a consolidated implementation plan. This plan can be used to replace the implementation section of an existing plan(s), or can be used by local government partners on its own to collaboratively apply for state grants.
- **Priority Concerns Watershed Implementation Plan:** This plan leverages the existing process for developing a plan based on priority concerns typically associated with current county water planning; but shifts the scope of the plan to a watershed boundary and elevates requirements for prioritizing, targeting, and measuring implementation actions.
- **Comprehensive Watershed Management Plan:** This all-inclusive plan will likely leverage the existing requirements for watershed district plans and have the highest standards of the three plan options. These plans will address surface and groundwater, water quality and quantity, and land use; and implementation actions in the plan will consider the broad range of tools, including capital improvements, official controls, and other tools and programs necessary to achieve the goals of the plan.

Planning boundaries for all proposed plan types will be locally shaped and consistent with the BWSR Board adopted Suggested Boundary Map. Plan development is recommended to start a few years after intensive monitoring in order to develop and use the WRAPS document and is not recommended to start in the 2-3 years leading up to onset of intensive monitoring. All plans developed through *One Watershed, One Plan* will establish shared goals and vision for local government participants; define the roles and responsibilities of partners/participants; contain implementation actions that are prioritized, targeted, and measurable; and include estimated costs and timeframe for these actions.

Table 1. Concept Plan Types

	Water Quality Implementation Plan	Priority Concerns Implementation Plan	Comprehensive Watershed Management Plan
General Description	Means to collaborate, leverage WRAPS, & apply for grants without going all in.	County Water Planning on a <i>watershed</i> boundary.	Plan based on assessment of all water and land related resources within the watershed.
Timing	To maintain eligibility for grant applications, revisions occur concurrently with completion or revision of 10-year assessment/WRAPS.	Revisions every 10 years. Plan extensions allowed for existing plans to provide for development through One Watershed, One Plan.	
Proposed Applicability	Won't substitute or replacement the <i>entirety</i> of existing plans, but can be used for portions of plans.	May serve as a substitute for county water plans & soil and water conservation district comprehensive plans.	May serve as replacement for watershed district, SWCD, and county water plans.
Organization Requirements	Formal agreement to signal group intentions are sufficiently serious, most likely a memorandum of understanding or agreement.	Requires formal agreement sufficient to demonstrate and sustain commitment; most likely a joint powers agreement.	
Preliminary considerations for who <i>must</i> participate...	Majority of SWCDs and/or majority of counties. May include watershed districts and/or joint powers agreement watershed organizations.	Likely a majority of counties and SWCDs within the planning boundary, with a waiver for organizations with minimal land area within the boundary.	Likely a majority of watershed organizations, counties, & SWCDs within the watershed planning boundary; with a waiver for organizations with minimal land area in the boundary.
	Cities and townships may, but will likely not be required to, participate.		
You might choose this plan if...	Participants aren't ready to establish a formal organization. Plans existing in the area are recently adopted and of a high quality.	Not all participants are ready to include the detailed requirements of the Comprehensive Watershed Management Plan.	An existing watershed district is participating and its boundaries cover the majority of the land area. Most existing plans will be expiring soon.

IV. Participation Requirements

Two Guiding Principles of *One Watershed, One Plan* include: “*One Watershed, One Plan must involve a broad range of stakeholders to ensure an integrated approach to watershed management,*” and, “*One Watershed, One Plan implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.*” When the *One Watershed, One Plan* planning process is initiated within a watershed area, all potentially affected local units of government within the given planning boundary should be invited to participate. This section outlines participation requirements for local units of government in order to meet these guiding principles while still providing realistic and pragmatic balance for required participation.

In order to balance the need to maximize participation of all affected water planning authorities in watershed-based planning with the reality of the constraints on that participation (particularly in the transition period to *One Watershed, One Plan*) this section outlines flexibility in participation requirements. For the purposes of this section, levels of participation are defined as:

Required Participant: the local government unit must formally agree to a role in plan development and subsequent implementation. “Formally agree” means an in-writing consent to participate (see [V. Formal Agreement](#)).

Optional Participant: the local government unit is encouraged to be directly involved in the planning process, but is not required to formally agree.

1. Participation Requirements by Plan Type

Initial consideration for determining the level of commitment in developing a plan through *One Watershed, One Plan* of for any potential local government participant is contingent on the type of plan proposed to be developed. The intent of this requirement is to ensure plans approved through *One Watershed, One Plan* continue to meet or exceed current plan content standards. If a required participant declines to participate, the remaining participants may need to consider a different plan type that doesn’t require the participation, or see the Participation Requirements Procedures below.

Table 2: Participation Requirements by Plan Type

	Water Quality Implementation Plan	Priority Concerns Watershed Implementation Plan	Comprehensive Watershed Management Plan
Soil & Water Conservation District	Required	Required	Required
County	Optional	Required (Metro* counties optional)	Required (Metro* counties optional)
103D Watershed District	Optional	Optional (separate plan meeting 103D required)	Required
103B (Metro*) Watershed District or Watershed Management Organization	Optional	Optional (separate plan meeting 103B required)	Required
Municipality (city or township)	Optional	Optional	Optional

*Metro means seven-county metropolitan area.

2. Participation Requirements by Land Area and Resource Criteria

Small areas may or may not be critical or practical in management of the watershed to achieve the goals of the plan. If only a small portion of the local government unit is within the watershed planning boundary, the criteria listed in A and B below can be used to determine when participation is required. C and D below outline options for involvement when participation is optional.

- A. If less than 5% of the jurisdictional land area of the local government is within a *One Watershed, One Plan* planning boundary, participation is optional.
- B. If 5% or greater and less than 10% of the jurisdictional land area of the local government is within the *One Watershed, One Plan* planning boundary, participation is optional unless:
 - i. The area is identified as a priority area as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans. If the WRAPS is not completed additional factors or criteria such as the anticipated impact to the planning process, or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate may also be considered.
 - ii. The area contains or is in close proximity to the watershed outlet or a priority resource(s) as per the Watershed Restoration and Protection Strategies (WRAPS) document, a completed TMDL, a local diagnostic study, and/or other studies or plans such that lack of participation will be detrimental to implementation of the plan.
- C. Required participants are encouraged to:
 - i. Keep all local governments within the watershed informed in plan development and encourage participation as practical;
 - ii. Overtly identify a process in the watershed plan for involving optional participants in implementation when applicable; and
 - iii. Consider incorporating streamlined procedures for including optional participants in formal agreements in the future.
- D. Optional participants for those areas that meet A or B above, are encouraged to:
 - i. Keep themselves informed in plan development as practical;
 - ii. For areas where the local government is not a required participant (e.g. not part of a formal agreement to plan where A or B above applies), the local government is encouraged to adopt the plan for these areas once approved by BWSR, and to consider becoming part of future agreement(s) to implement the plan in these areas if applicable.

3. Participation Requirements Procedure

Participation requirements will be discussed as part of the plan initiation process with final determinations made by the Board Conservationist in consultation with the local government participants and BWSR Regional Supervisor. Disputes of staff decisions will be reviewed by the executive director and brought before the board if resolution cannot be found.

Lack of willingness or interest of one local government unit should not be used as an initial basis for denying participation of the majority in *One Watershed, One Plan*. Additional factors or criteria may be considered, including the anticipated impact to the planning process or perceived challenges with implementation of the resulting plan if certain critical stakeholders are unwilling to participate. At the request of the majority of participants, BWSR may conduct an assessment of the potential impact of the nonparticipation and make a determination as to if the remaining participants should be able to proceed. This assessment and the final recommendation will be reviewed by the executive director

and brought before the board if resolution cannot be found. In some situations, a watershed planning group may not be able to proceed until *One Watershed, One Plan* participation requirements are met.

4. Participation Requirements and Plan Adoption

After a plan has been completed by participants and approved by the BWSR Board, it will need to be formally adopted within 120 days by all parties. Whether the plan is adopted individually by each county, soil and water conservation district, and/or watershed district; or if it is adopted by an established joint powers board on behalf of the participants; is a decision of the participants as outlined in the formal agreement and the authorities provided therein (see [V. Formal Agreement](#)).

In the case that a required participant decides not to formally adopt the plan after it has been approved by BWSR, the remaining local governments will need to reassess whether or not the plan can be successfully implemented without adoption by the particular local government. If it is possible the plan will work to a degree without the participant, the plan may need to be amended to function without the participant, and/or the remaining participants may need to work with the non-participant to address issues or concerns. BWSR staff may be available to assist in assessment or mediation at the request of the local governments involved. The decision to adopt the plan or not is a local decision. Any repercussions, such as ineligibility for state grants, will be specific to the individual participant(s) who chose not to adopt the plan.

See also [VI. Plan Development Procedures](#) for more detailed and specific plan adoption information.

V. Formal Agreement

A Guiding Principle of *One Watershed, One Plan* is that “*One Watershed, One Plan* implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.”

The purpose of this principle is to provide assurances that decision-making spanning political boundaries is supported by an in-writing commitment from participants. This section outlines options for this commitment through formal agreement.

Formal Agreement in the context of *One Watershed, One Plan* refers to the participating partners and processes these partners will use to write and implement a watershed-based plan, and is not intended to address or mandate consolidation or change existing authorities of local governments. The details of formal agreements between participating organizations establishing the process for governance will vary by the goals of the participants; with recommended overarching goals of maximizing efficiency, minimizing redundancy, preventing duplication of efforts, and clearly outlining the intent and responsibilities of the participants.

Step 1. Planning Phase. Review existing formal agreements between participants as applicable; existing Joint Powers Agreements encompassing suggested planning boundaries in some areas of the state may currently meet the requirements for planning through *One Watershed, One Plan*. Existing agreements must include the following:

- a. Purpose that includes or allows participation in planning;
- b. Inclusion of all required participants (see [IV. Participation Requirements](#); agreement may include more than the required participants, e.g. a regional agreement that encompasses multiple *One Watershed, One Plan* planning boundaries);
- c. Operating procedures and/or bylaws outlining, at a minimum, the means and method for decision-making including plan submittal (see [VI Plan Development, 3. Formal Review and Public Hearing](#)), but may also include procedures for stakeholder processes, committees, etc.;
- d. Identification of a fiscal agent and/or requirement for an audit meeting the provisions of Minnesota Statutes §6.756 if the agreement creates an entity or organization that will be receiving funds directly; and
- e. Formal agreements for the purposes of planning should be in place prior to initiating a plan and must be in place prior to dispersal of grant funds through *One Watershed, One Plan*.

Step 2. Planning Phase. If a formal agreement does not exist between required participants or existing agreement(s) do not meet the requirements outlined in step 1, participants will need to establish a new or modify an existing formal agreement for the purposes of completing the plan. A Memorandum of Agreement, with the items outlined in step 1 above, is acceptable for purposes of plan development.

Step 3. Implementation Phase. Participants should be prepared to revisit the agreement near the end of the planning process. Through plan development, opportunities for increased collaboration between participants or elements essential to achieving goals for the watershed may be identified such that further modification of existing—or establishment of a new type of formal agreement—becomes necessary. Assistance from the Minnesota Counties Insurance Trust and/or the legal counsel of the participating organizations may be required. See [VI. Plan Development Procedures](#).

1. Agreement Formats and Recommended Use

The information in table 3 should not be considered legal advice; assistance from the legal counsel of the participating organizations is recommended.

Table 3: Formal Agreement Types and Recommended Uses

Type of Agreement	General Description	Recommended use in relation to <i>One Watershed, One Plan</i>
Memorandum of Agreement (MOA)	<ul style="list-style-type: none"> • Minimum requirement of plan development through <i>One Watershed, One Plan</i> • Method of formally recognizing a partnership(s) • Specifies mutually-accepted expectations and guidelines between parties • Generally not considered legally binding; the significance of an MOA is typically in the visibility 	<ul style="list-style-type: none"> • Recommended to signal intent of participants & outline the decision-making process during plan development. • Cannot be used if the intent is to directly receive state funds as an organization. • Likely not sufficient for collaborative grant applications and sharing of services (JPA recommended for these). • Can be sufficient if the final plan will be adopted individually by each participant, e.g. each participant adopts the completed plan as the organization's own plan.
Joint Powers Agreement (JPA)	<ul style="list-style-type: none"> • Agreement to jointly deliver a service or product, or manage or own property. • Legally binding. • Must meet requirements of Minnesota Statute § 471.59. 	<ul style="list-style-type: none"> • Recommended if the intent is for the resulting organization to apply for and receive state funds directly for planning and implementation. • Recommended if future sharing of services is anticipated.
Joint Powers Entity (JPE)	<ul style="list-style-type: none"> • Type of JPA that specifically establishes a new entity or board that operates autonomously from the members. Risk is transferred to this entity. • Legally binding. • JPA of 7-county Metro Watershed Management Organizations must establish JPE and include provisions required by MN Statutes §103B.211 and MN Rule, Chapter 8410.0030. 	<ul style="list-style-type: none"> • Necessary/required/recommended if the final plan will be adopted collectively, e.g. one plan is "held" through the JPA/by the JPE and the participants adopt One Plan by reference. • JPA or JPE depends on the purpose and intent of the agreement and amount of risk and liability acceptable to the participants; consult legal advice.

2. Formal Agreement Templates and Example Bylaws

Templates for Formal Agreements and example Bylaws will be found on the BWSR website at:

<http://www.bwsr.state.mn.us/planning/1W1P/index.html>.

VI. Plan Development Procedures

Once formal agreements are in place, plan development may begin. The vision of the Local Government Water Roundtable for plan development was a future of limited wholesale updates to watershed-based plans; with a streamlined process to incorporate or reference collected data, trend analysis, changes in land use, and prioritization of resource concerns into the watershed-based plan; and an emphasis on watershed management and implementation through shorter-term workplans and budgeting. This vision includes acknowledging and building off of existing plans and data (including local and state plans and data), as well as existing local government services and capacity.

This vision and the consideration that development of a plan through *One Watershed, One Plan* should not be any less than the plans implementation requirements being substituted for or replaced is reflected in these procedures. Specific content requirements will be outlined in a separate document can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014

These procedures apply to the plan types of *Priority Concerns Implementation Plan* and *Comprehensive Watershed Management Plan*. For the plan type of *Water Quality Implementation Plan*, be sure to see item 6 below for modifications to the procedure.

1. Notifications, Committees, and Initial Planning Meeting

One of the Guiding Principles of *One Watershed, One Plan* is the process “*must involve a broad range of stakeholders to ensure an integrated approach to watershed management.*” The first actions in achieving this principle are to notify stakeholders and establish committee(s). The following steps assume the formal agreement and/or bylaws establishing the planning partnership, and outlining the process and procedures for committee involvement and decision-making are in place. If this process has not been established, additional actions to do so should be included.

Step 1. Establish committees, teams and workgroups. The following committees, teams, and workgroups are all critical to successful development and implementation of the plan.

- a. Policy Committee – This is a required committee of local plan authorities for the purposes of **making final decisions** about the content of the plan and its submittal. The committee membership and the committee’s decision-making process must clearly be a part of the formal agreement for planning and associated bylaws (see [V. Formal Agreement](#)). The committee may or may not continue after plan adoption, depending on the local formal agreement.
- b. Advisory Committee(s) – Advisory committees are required to meet public and stakeholder participation goals and requirements identified in rule and statute for existing local water plans. The purpose of an advisory committee is to **make recommendations** on the plan and plan implementation to the Policy Committee, including identification of priorities.
 - i. Depending on size and scope, more than one advisory committee may be necessary; consider multiple advisory committees when the watershed is large enough to justify regional committees, and/or the advisory committee is large or specialized enough to split into specialty areas such as separate citizen and technical advisory subcommittees.
 - ii. The state’s main water agencies, or plan review agencies, are committed to bringing state resources to the planning process. Each agency will designate a lead contact for their agency to participate on the advisory committee; however, specific participation may vary depending on local needs.
- c. Planning Workgroup – This workgroup is **not a requirement**; however, a smaller workgroup of local staff, typically the local water planners, and possibly consultant(s) is recommended for the purposes of logistical and day-to-day (not policy) decision-making in the planning process.

- Step 2.** Notify plan review authorities and other stakeholders. Prior to the development of the plan, notification must be sent to the plan review authorities of plan initiation. The notification must include an invitation to submit priority issues and plan expectations, and must allow 60 days for response to the notification. The notification may also be sent to other stakeholders, or alternative methods for receiving input may be used for these interested parties.
- Stakeholders: Drainage authorities, federal agencies, tribal governments, lake or river associations, citizen-based environmental group(s), sporting organization(s), farm organization(s) and agricultural groups, other interested and technical persons such as current and former county water plan taskforce members.
 - Additional methods for public input should also be considered in addition to the formal notification process, such as web surveys, workshops with specific interest groups, other citizen surveys.
- Step 3.** Aggregate watershed information. Make use of existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. Information to be aggregated includes land and water resources inventories, data, issues, goals, strategies, actions, etc. for the purposes of orientation to the watershed and better understanding, discussion, and prioritization.
- Step 4.** Hold initial planning meeting. The meeting is often referred to as the “public information meeting” for county water planning or a kickoff meeting in watershed district planning after the priority issues of stakeholders have been gathered.
- Initial planning meeting should be held after response received from agencies and stakeholders and an initial assessment/aggregation of plan information has been completed (see procedure 2. Draft Plan, step 1 below). The assessment and aggregation of plan information is not intended to be exhaustive, but rather a compilation for the purposes of understanding current priorities and goals for the watershed.
 - Planning meeting must be legally noticed to meet the requirements of MN Statutes §103B.313, Subd. 3 (county water planning).
 - In consideration of the size of the watersheds, participants may want to consider more than one initial planning meeting and/or options for participating through video conference. Be sure to thoroughly document this participation.
 - Talk to BWSR staff about potential resources available to assist in planning and facilitating this initial planning meeting in order to achieve effective participation.

2. Draft Plan

This section outlines only the high-level steps for drafting the plan. Specifics on the plan content requirements and tools to assist in prioritization can be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. Also keep in mind that the steps are not always linear; some steps may be repeated more than once throughout the planning process.

- Step 1.** Continue to aggregate watershed information as in Step 3 above. Review information for commonalities, conflicts, and gaps. Make use of input received at the initial planning meeting, existing local water plans, input received from agencies, TMDL studies, WRAPS, and other local and agency plans. Review and aggregate information such as: data, issues, goals, strategies, actions, etc. for the purposes of further orientation to the watershed and better understanding, discussion, and prioritization.
- Step 2.** Analyze gathered information and start writing the plan using available tools for prioritizing, targeting, and assessing measurability. Specifics on the plan content requirements and available tools will be found in the *One Watershed, One Plan – Plan Content for Pilots* document, which will be available August 2014. The following is an overview of the content requirements.

- a. **Data and Inventory Information.** Most data and inventory information will be incorporated in the plan by reference, with a general description and information on where to find the data and inventory information. If gaps in inventory information are identified through the plan development process, consider implementation action(s) to fill the gap rather than delaying the planning process to generate new data.
- b. **Analyze and Prioritize Issues.** Prioritization is the act of ranking something in order of importance, typically such that the more important things are addressed first. This part of the plan writing process is used to reach understanding of, and agreement on, the watershed issues and priorities that will be addressed within the lifespan of the plan.
- c. **Establish Measurable Goals.** After gaining understanding of the issues in the watershed, measurable goals are developed to address the priority issues. These goals will describe where the planning partners want to be or what they want to achieve within the 10-year timeframe of the plan. Keep in mind that a watershed-based plan may include both goals that are common to the watershed as a whole well as goals individual to a specific local government participant(s).
- d. **Develop a Targeted and Measureable Implementation Plan and Schedule.** Targeting takes a closer look at the priority issues and goals and identifies specific actions and management practices to achieve the goals. The implementation plan and schedule are developed in consideration of available technical skills and capabilities and funding resources, and will:
 - i. Have targeted and measurable actions;
 - ii. Cover a period of 10 years and be designed in a way that supports creation of shorter term work plans and budgets for participating local governments. Depth of revision dependent on evidence that implementation is occurring. BWSR can issue 'findings' when a plan is good enough that complete revision is not required. The Water Quality Implementation Plan Type must be revised following the PCA 10-year assessment and completion of WRAPS to maintain eligibility for funding through plan; and
 - iii. Coordinate local water management responsibilities, activities, and necessary technical services across jurisdictional lines while maintaining core local government services on jurisdictional boundary.

The targeted implementation schedule is a table of specific actions that are planned to be implemented, including items such as location, responsibility, cost, schedule, and potential funding sources of the actions. The implementation plan describes the coordination and programs necessary for achieving the actions in the schedule.

Step 3. Reassess the Formal Agreement used for the planning process and modify as necessary to implement the actions identified in the plan, such as shared services or collaborative grant-making. Modifications and/or a new agreement may or may not be necessary depending on the implementation plan and needs of the participating local governments. The Minnesota Counties Intergovernmental Trust and/or legal counsel of the participating organizations may be consulted to assist in this determination.

Step 4. Consider informal review of the plan, specifically if there were local governments within the watershed who chose not to participate in the planning process, there were stakeholders interested in the process but not on an advisory committee, or if there are any other issues or concerns that merit broader informal review.

3. Formal Review and Public Hearing

After the plan has been drafted, the Policy Committee submits the plan on behalf of the local plan authorities to the plan review authorities (see definitions below) for formal review. Depending on the decision-making outlined in the [formal agreement](#), the participating local governments may need to approve the draft prior to submittal.

- A. The draft plan may be submitted to the plan review authorities electronically. If paper copies are requested, they must be provided. It is also encouraged to make a copy of the draft plan available online with a clear process for stakeholder comments.
- B. Plan review authorities have 60-days to provide comment on the plan. Comments must be submitted to both the Policy Committee and BWSR.
- C. The Policy Committee will schedule and hold a public hearing(s) on the draft plan no sooner than 14 days after the 60-day review period of the draft plan. A summary of comments received in the review period must be provided to BWSR, and the state review agencies, and anyone who provided comments and must be made available to all others on a website or upon request.
 - i. Depending on the [formal agreement](#), the participating local governments may need to hold individual public hearings.
 - ii. If the formal agreement allows the Policy Committee to ‘host’ the public hearing, the committee may want to consider more than one hearing in a large watershed.

4. Approval by BWSR

After the public hearing, the Policy Committee submits the final draft plan, a copy of all written comments received on the draft plan, a record of the public hearing(s), and a summary of responses to comments including comments not addressed and changes incorporated as a result of the review process to the plan review agencies for final review, on behalf of the local plan authorities. Depending on the decision-making outlined in the [formal agreement](#), the participating local governments may need to approve the final draft prior to submittal.

- A. The board shall review the plan for conformance with the requirements of Minnesota Statutes §103B101, Subd. 14, this policy, and the plan content policy <<insert reference>>. Review process includes staff review and recommendation to a regional BWSR Committee where the plan will be presented to the committee by representatives of the participating local government(s). Committee makes a recommendation to the BWSR Board where final decision is made.
- B. The board may approve or disapprove a plan which it determines is not in conformance. The board shall complete its review and approval within 90 days or the next scheduled board meeting.
- C. Appeals and dispute of plan decision follow existing authorities and procedures of BWSR Board.

5. Local Adoption

Local adoption by the local plan authority is required within 120 days of BWSR Board approval. If so granted through a joint powers agreement, the adoption may be by a watershed joint powers entity. If no joint powers entity with authorities of the local plan authority was created, each local government unit shall adopt the plan individually and implement separately.

- A. A copy of resolution(s) to adopt the plan must be sent to BWSR in order to be eligible for grants.

6. Plan Development Procedures – Water Quality Implementation Plan

When developing the plan type Water Quality Implementation Plan, Plan Development Procedures 1 and 2 (Notifications, Committees, and Initial Planning Meeting through Draft Plan) above should be followed. Procedures 3-5 (Formal Review through Local Adoption) above can be skipped and replaced with:

- A. For Soil and Water Conservation Districts using the Water Quality Implementation Plan to substitute or replace their Comprehensive Plan, the SWCD should follow BWSR policies for adoption of an SWCD Comprehensive Plan found at: http://www.bwsr.state.mn.us/publications/SWCD_Ops-handbk.html. In addition, the participating SWCDs may be asked to present the plan to the regional water planning committee of the BWSR Board.

- B. For other local governments using the Water Quality Implementation Plan to substitute or replace a portion of an existing local water plan, the local government should follow procedures in statute or rule for amending that existing plan. See the following amendment procedures: Minnesota statutes §103D.411 for watershed districts outside the seven-county metro, §103B.314 for county water plans, and §103B.231 and MN Rule Chapter 8410 for watershed districts and organizations within the seven-county metro.

7. Plan Development Definitions

The following definitions are used in this section:

Local plan authority. For purposes of this policy, a local plan authority means: a county, soil and water conservation district, or watershed organization with authority to write and implement a local plan. County local water planning may be delegated with restrictions as per Minnesota statutes §103B.311.

Local water plan. For purposes of this policy, “local water plan” or “water plan” means: a county water plan authorized under Minnesota statutes §103B.311, a watershed management plan required under §103B.231, a watershed management plan required under §103D.401 or 103D.405, a county groundwater plan authorized under §103B.255, or a soil and water conservation district “comprehensive plan” under Minnesota statutes §103C.331, Subd. 11.

Metropolitan Council. “Metropolitan Council” means the Metropolitan Council created by Minnesota Statutes, section 473.123.

Plan review agencies. “Plan review agencies” means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency and the Board of Water and Soil Resources; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.

Plan review authorities. “Plan review authorities” means the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, and counties, cities, towns, and soil and water conservation districts partially or wholly within the watershed; and the Metropolitan Council if substituting for or replacing a plan under MN Statutes §103B.231.